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Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

JEREMY BAUMAN, individually and on  
behalf of all persons similarly situated,

Plaintiffs,

v.

V THEATER GROUP, LLC; SAXE  
MANAGEMENT, LLC; DAVID SAXE;  
DOES I through X inclusive and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

) Case No. 2:14-cv-01125-RFB-PAL  
) (Consolidated with Case No. 2:14-cv-01160-  
) RCJ-PAL )

**STIPULATION; ORDER TO CONTINUE**  
**DISCOVERY AND CLASS**  
**CERTIFICATION DEADLINES; AND**  
**PROTECTIVE ORDER**

**(FIRST REQUEST)**

BIJAN RAZILOU, individually, and on  
behalf of all others similarly situated,

Plaintiff,

v.

V THEATER GROUP, LLC, a Nevada  
Limited Liability Company; SAXE  
PRODUCTIONS, INC., a Nevada  
Corporation; DAVID SAXE  
PRODUCTIONS, LLC, a Nevada Limited  
Liability Company; SAXE MANAGEMENT,  
LLC, a Nevada Limited Liability Company;  
DAVID SAXE, an individual,

Defendants.

**STIPULATION**

All parties through their counsel of record enter into this Stipulation to extend the current scheduling order deadlines for discovery and for plaintiffs to file a motion for class certification pursuant to the provisions local Rules 6-1, 6-2 and 7-1. This is the first request for an extension.

The parties through their counsel of record also enter into this Stipulation to obtain a protective order to permit the completion of certain discovery.

**I. Discovery Conducted to Date and Reason for Protective Order**

The parties have diligently conducted document and written discovery. All parties have made initial disclosures of witnesses and documents pursuant to Fed. R. Civ. P. 26. Plaintiffs also have propounded multiple sets of written interrogatories and requests for production to which defendants have served original and supplemental responses. However, production of certain discovery materials has not yet occurred. Through meeting and conferring, the parties have reached an agreement whereby these materials and relevant materials possessed by third-parties can be produced to plaintiffs subject to a protective order.

The plaintiffs also have served a document request on non-party Twilio, Inc. via subpoena. Twilio has not responded, and the plaintiffs filed an Application for an Order to Show Cause Why Twilio should not be held in contempt in the U.S. District Court for Northern California, San Francisco Division. The Order to Show Cause has been issued, and a hearing is scheduled for this matter on April 16, 2015 in San Francisco.

The parties have conferred extensively regarding the relative merits of the claims and defenses and other issues relating to the lawsuit.

**II. Reason for Request for Continuance / Extension**

The current class discovery deadline is April 30, 2015, and the current deadline for plaintiffs to file a motion for class certification is May 30, 2015. *See* ECF Doc. # 35. The purpose of the requested extension is to permit the parties to engage in mediation before incurring the significant costs and expense associated with completing the class discovery phase and filing briefs regarding class certification. The parties have agreed to participate in Mediation on May 27, 2015, with Hon. William C. Pate (Ret) of JAMS in San Diego, California.

1 To facilitate mediation and to continue advancing resolution of this case, the parties also  
2 have agreed to the taking of two of defendants' witnesses, David Saxe and Ric Schaaf prior to  
3 the mediation date. The parties are targeting May 12, 13, and 14 for these depositions.  
4 Depositions on these dates should allow for plaintiffs to prepare for the depositions in light of  
5 materials to be produced subject to the proposed protective order and as may be ordered in  
6 connection with the current Order to Show Cause proceedings now pending against third-party  
7 Twilio, Inc. in San Francisco.

8 Accordingly, the parties have agreed to continue all dates in the current scheduling order  
9 by three months and respectfully request the Court to approve this request.

10 **PROPOSED AMENDMENTS TO SCHEDULING ORDER**

11 Based on the foregoing, the parties stipulate to the following amendments to the  
12 Stipulated Discovery Plan and Scheduling Order currently on file. *See* ECF Doc. # 35.

- 13 1. The discovery deadlines for the Class Discovery Phase should be amended as  
14 follows:
- 15 a. The current April 30, 2015 Close of Class Discovery Phase should be  
16 continued to July 31, 2015; and
- 17 b. The current May 30, 2015 Deadline to file Motion to Certify Class should  
18 be continued to August 31, 2015.
- 19 2. No amendment should be necessary for the Merits Discovery Phase which is  
20 contingent upon the Court's decision regarding the Motion for Class Certification.
- 21 3. The parties should conduct depositions of witnesses David Saxe and Ric Schaaf  
22 by May 14, 2015.

23 **PROPOSED PROTECTIVE ORDER**

24 For reasons referenced above, the parties also stipulate to the following Protective Order:

- 25 1. Any document or thing which the parties mutually agree in writing to be  
26 confidential shall not be used for any purpose that is not related to the present litigation.

2. Personal, identifying information of Defendants' customers will be redacted from such confidential documents and things when filed with the Court except when filed under seal together with a motion requesting the filing to remain under seal.

3. At present, the following documents and things are agreed to be confidential:

a. Text message transmission records obtained from Twilio, Inc.; and

b. The three executable scripts and programs mentioned in Defendants' Supplemental Response to Interrogatory No. 1 together with the source code for these scripts and programs.

4. A party's agreement to treat any document or thing as confidential in no respect prejudices the ability of that party from later challenging such a designation of confidentiality. However, all parties must continue treating such documents and things as confidential under this Stipulation until a court determines that such documents and things are not confidential.

Dated: April 10, 2015

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23 *Attorneys for Plaintiff Bijan Razilou*

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**ORDER**

For the reasons stated in the parties' Stipulation, the Court adopts the parties' Proposed Orders as orders of this Court.

**A. Amendments to Discovery Scheduling Order (ECF Doc. # 35)**

1. The discovery deadlines for the Class Discovery Phase are:

a. Close of Class Discovery Phase is July 31, 2015; and

b. Deadline to file Motion to Certify Class is August 31, 2015.

2. The parties shall conduct depositions of witnesses David Saxe and Ric Schaaf by May 14, 2015.

**B. Protective Order**

1. Any document or thing which the parties mutually agree in writing to be confidential shall not be used for any purpose that is not related to the present litigation.

2. Personal, identifying information of Defendants' customers shall be redacted from such confidential documents and things when filed with the Court except when filed under seal together with a motion requesting the filing to remain under seal.

3. As agreed by the parties, the following shall be deemed confidential:

a. Text message transmission records obtained from Twilio, Inc.; and

b. The three executable scripts and programs mentioned in Defendants' Supplemental Response to Interrogatory No. 1 together with the source code for these scripts and programs.

4. A party's agreement to treat any document or thing as confidential in no respect prejudices the ability of that party from later challenging such a designation of confidentiality. However, all parties must continue treating such documents and things as confidential under this Protective Order until a court determines that such documents and things are not confidential.

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: April 13, 2015

1 Respectfully submitted by

2 **MORRIS SULLIVAN LEMKUL &**  
3 **PITEGOFF**

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